

1 Teresa M. Corbin (SBN 132360)
2 Denise M. De Mory (SBN 168076)
3 Jaclyn C. Fink (SBN 217913)
4 HOWREY LLP
5 525 Market Street, Suite 3600
6 San Francisco, California 94105
7 Telephone: (415) 848-4900
8 Facsimile: (415) 848-4999

6 Attorneys for Defendants
7 AEROFLEX INCORPORATED,
8 AEROFLEX COLORADO SPRINGS, INC.,
9 AMI SEMICONDUCTOR, INC., MATROX
ELECTRONIC SYSTEMS, LTD.,
MATROX GRAPHICS, INC.,
MATROX INTERNATIONAL CORP.,
and MATROX TECH, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Case No. C03-4669 MJJ (EMC)

Plaintiff,

VS.

AEROFLEX INCORPORATED, et al.,

**DECLARATION OF JACLYN C. FINK IN
SUPPORT OF DEFENDANTS'
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
RICOH'S MOTION FOR SUMMARY
JUDGMENT ON DEFENDANTS'
AFFIRMATIVE DEFENSE OF
AUTHORIZATION AND CONSENT**

Date: September 26, 2006
Time: 9:30 a.m.
Courtroom: 11, 19th floor
Judge: Martin J. Jenkins

REDACTED PUBLIC VERSION

I, Jaclyn C. fink, declare as follows:

1 1. I am an attorney associated with the law firm of Howrey LLP, counsel of record for
2 Aeroflex Incorporated, Aeroflex Colorado Springs, Inc., AMI Semiconductor, Inc., Matrox Electronic
3 Systems, Ltd., Matrox Graphics, Inc., Matrox International Corp., and Matrox Tech, Inc. I have
4 personal knowledge of the facts set forth in this Declaration and, if called upon to do so, I could and
5 would testify competently to the matters set forth herein.
6

7 2. I spoke with Mr. , counsel for , on August 30, 2006 regarding
8 information concerning ASICs had purchased from Aeroflex. Mr. Walther informed me that after
9 Ricoh was informed by that it had located some Government contracts and other documents
10 related to authorization and consent for Aeroflex products, Ricoh narrowed the scope of the subpoena
11 to only request information on whether or not the use of Design Compiler was specified in the
12 subcontracts. It was during this conversation that Mr. disclosed the fact of 's response to
13 Ricoh's subpoena.

14 3. I sent a letter on August 30, 2006 to Ricoh's counsel inquiring about responses to
15 Ricoh's third-party subpoenas after learning that had provided a response. Attached hereto as
16 Exhibit 27 is a true and correct copy of my letter to Mr. Ken Brothers on August 30, 2006. Attached
17 hereto as Exhibit 28 is a true and correct copy of 's response to Ricoh's subpoena received by
18 Aeroflex on August 31, 2006.

19 4. On August 31, 2006, Ricoh's counsel sent four third-parties' responses to subpoenas,
20 including , which Ricoh had not previously forwarded. Attached hereto as Exhibit 29 is a true
21 and correct copy of response to Ricoh's subpoena, first received by Aeroflex on August 31,
22 2006.

23 5. A request was made to the FOIA officer to expedite the review process, if possible, for
24 the Government contract requested. The FOIA officer stated that review would be quicker if it focused
25 only on the sections of the contract of interest. For this reason, only a portion of the contract was
26 provided in response to the request. Attached hereto as Exhibit 3 is a true and correct copy of contract
27 number F04701-99-C-0027 as received in response to the FOIA request.

1 6. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of volume III of
 2 the Mr. Peter Milliken's deposition testimony taken June 7, 2006.

3 7. Attached hereto as Exhibit 2 is a true and correct copy of purchase order .

4 8. Attached hereto as Exhibit 4 is a true and correct copy of a change notice for the
 5 KD15A altered item drawing.

6 9. Attached hereto as Exhibit 5 is a true and correct copy of the KB11A altered item
 7 drawing.

8 10. Attached hereto as Exhibit 6 is a true and correct copy of the quotation Aeroflex
 9 provided to for KD15A.

10 11. Attached hereto as Exhibit 7 is a true and correct copy of a purchase order for
 11 items used in the Wideband Gapfiller Satellite Program.

12 12. Attached hereto as Exhibit 8 is a true and correct copy of purchase order
 13 for KD26A used for Virgo.

14 13. Attached hereto as Exhibit 9 is a true and correct copy of customer contract
 15 requirements under the Gapfiller Satellite Program.

16 14. Attached hereto as Exhibit 10 is a true and correct copy of Purchase Order
 17 Attachment .

18 15. Attached hereto as Exhibit 11 is a true and correct copy of Purchase Order

19 . .
 20 16. Attached hereto as Exhibit 12 is a true and correct copy of the KD26A altered item
 21 drawing.

22 17. Attached hereto as Exhibit 13 is a true and correct copy of purchase order
 23 for KD28A.

24 18. Attached hereto as Exhibit 14 is a true and correct copy of the KD28A altered item
 25 drawing.

26 19. Attached hereto as Exhibit 15 is a true and correct copy of Purchase Order
 27 Attachment .

20. Attached hereto as Exhibit 16 is a true and correct copy of purchase order .

21. Attached hereto as Exhibit 17 is a true and correct copy of the Third Supplemental Product Declaration Re Additional Aeroflex Commercial ASICs, by Peter Milliken, Per Judge Chen's May 1, 2006 Order Modified in Accordance with Judge Chen's May 5, 2006 Order.

22. Attached hereto as Exhibit 18 is a true and correct copy of relevant portions of Government contract NAS15-10000. The entire contract consists of over 600 pages.

23. Attached hereto as Exhibit 19 is a true and correct copy of purchase order
14325EEE.

24. Attached hereto as Exhibit 20 is a true and correct copy of purchase order
14285EEE

25. Attached hereto as Exhibit 21 is a true and correct copy of NASA contract NAS5-01091

26. Attached hereto as Exhibit 22 is a true and correct copy of a specification for KB10A for the NASA SWIFT program.

27. Attached hereto as Exhibit 23 is a true and correct copy of a specification for KM01A for the NASA SWIFT program³

28. Attached hereto as Exhibit 24 is a true and correct copy of a specification for KD12A for the NASA SWIFT program.

29. Attached hereto as Exhibit 25 is a true and correct copy of purchase order
for ID05^

30. Attached hereto as Exhibit 26 is a true and correct copy of Aeroflex's quote for the NASA SWIFT program.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This declaration was executed at San Francisco, California on September 1, 2006

/s/Jaclyn C. Fink
Jaclyn C. Fink

HOWREY

525 Market Street
Suite 3600
San Francisco, CA 94105-2708
T 415.848.4900
F 415.848.4999
www.howrey.com

August 30, 2006

File 06816.0060.000000

VIA EMAIL

Kenneth W. Brothers, Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526

Re: *Synopsys v. Ricoh Company, Ltd.,*
Case No. C03-2289 MJJ (EMC)
Ricoh Company, Ltd. v. Aeroflex, Inc., et al.,
Case No. C03-4669 MJJ (EMC)

Dear Ken:

It has come to my attention that we have not received copies of all substantive responses to the third party subpoenas Ricoh served on May 9, 2006. ITT, for instance, indicates that although it did not produce documents, it provided a substantive written response to the subpoena in letter form. Ricoh has not provided us with that subpoena response. In addition, we have received no responses from Boeing, EMS Technologies, Eastman Kodak, or Trax International. Please provide any substantive responses immediately, and identify the subpoenas for which Ricoh did not receive a substantive response.

Based on the fact that Ricoh has inappropriately withheld information relevant to the section 1498 issue, we reserve the right to move the Court for an extension of time for our opposition to your motion for summary judgment, as well as to seek any other appropriate relief.

Very truly yours,

Jaclyn C. Fink

cc: Gary Hoffman, Esq.
Edward Meilman, Esq.
Eric Oliver, Esq.
DeAnna Allen, Esq.
Michael Weinstein, Esq.
Rebecca Barbisch, Esq.
Seymour Seyoum

AMSTERDAM BRUSSELS CHICAGO EAST PALO ALTO HOUSTON IRVINE LONDON
LOS ANGELES NORTHERN VIRGINIA PARIS SAN FRANCISCO WASHINGTON, DC

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